

Legal 3

29 November 1977

EO 10450

MEMORANDUM FOR THE RECORD

STATINTL

FROM: [REDACTED]
Liaison Officer

SUBJECT: Proposed Revision EO-10450

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1. Reference is made to my memorandum dated 19 July 1977 at which time I commented on the CSC action with respect to the subject proposed revision of EO-10450. There is attached a memorandum from the Department of State which forwarded a copy of the last CSC draft revision. See comments by McCabe pertaining to same.

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2. Subsequent to the referenced State Department memorandum, I have had several conversations with McCabe and other members of the Investigative Standards Working Group as well as with [REDACTED] of the OLC. Notwithstanding McCabe's position on the matter [REDACTED] and the undersigned do not plan to take any action concerning this draft. OLC confirmed that OMB plans to send a new draft to CIA "before the first of the year" for coordination - I doubt that this will happen inasmuch as OMB is working a number of proposed Executive Orders and I do not think that this one has that priority. STATINTL

3. My reason for a lack of any real concern regarding this draft is primarily based on the fact that the draft contains an exemption for the Agency as well as a complete exemption for the entire Intelligence Community (see section 3).

4. From a reciprocity standpoint I too, share McCabe's concern over the lack of a definite standard in section 4. It is noted however, that in section 10, CSC would be required to establish criteria within 90 days of the approval of the Order. In addition thereto CSC would be required to furnish instructions concerning the scope of

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investigations provided for in this order (based on information in the draft and on information from CSC the following would apply: The full-field investigation requirements for Secret and Top Secret access as well as the other seven (7) criteria for sensitive positions will continue to be the current CSC five (5) year "intensive coverage" investigation now utilized by CSC. Investigation for access to Confidential and for government employees in nonsensitive positions, GS-09 and above will be a NAC with written inquiries to employers etc. All other government employees in nonsensitive positions would require a NAC unless this requirement is waived by CSC).

5. Attention is also invited to the oversight role of the National Security Counsel, CSC, and the Justice Department. With the following exception I can not get excited about any of these provisions in view of the complete exemption provided to the Agency as referred to above. The one exception is the requirement that the Justice Department would be required to prescribe guidelines with respect to the polygraph. Such guidelines could effect our current practice and procedures related to the polygraphing of GSA and DOD employees. ✓

6. I am likewise not concerned with the requirements that departments and agencies would have to issue implementing directives in accordance with policies and procedures prescribed by CSC and Justice because of our exemption. However, it follows that the Agency and the Intelligence Community would also be required to issue it's own directives - I do not feel that this would be a great burden especially as a result of Clearance Division's recent publication of manuals as well as the current status of our Agents Manual. I can foresee that this might create a problem for the SECOM however, if the decision is made that there should be uniform procedures and policies for the Intelligence Community since they will all be exempt from the Order.

7. As indicated above, in the absence to the instructions to the contrary I do not plan to take any formal action on this draft. This memorandum will be forwarded for the information of appropriate OS components.

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